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09/967,218	09/28/2001	John David Tucker	KCC-15,529	7138
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Pauley Peterse Suite 365	n Kinne & Fejer		EXAMI	NER
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Hoffman Estates	s, IL 60195			·
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Please find below and/or attached an Office communication concerning this application or proceeding.

Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8 . 6) Other	Applicant(s)	Dr
The MAILING DATE of this communication appears on the cover Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXP THE MAILING DATE OF THIS COMMUNICATION.  Edensican of time may be available under the provisions of 37 CFR 1.13(e). In no event, however after StX (6) MONTEN be available under the provisions of 37 CFR 1.13(e). In no event, however after StX (6) MONTEN be available under the provisions of 37 CFR 1.13(e). In no event, however after StX (6) MONTEN be available under the provisions of 37 CFR 1.13(e). In no event, however after StX (6) MONTEN be available under the maining date of this communication. If the period for reply his specified above, the main thirty (80) days, a reply within the statutory mining the provision of the communication of the provision of the travision of the provision		<u></u>
Thao T. Tran  - The MAILING DATE of this communication appears on the cover  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXP  THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, after Stx (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statulory printing apply and will expire S to provide the provisions of 37 CFR 1.136(a). In no event, however, after the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statulory printing apply and will expire S to print the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statulory printing apply and will expire S to the provided the printing that the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statulory minimal apply and will expire S to the printing that the mailing date of this communication.  Any reply received from the mail and the them alling date of this communication to the statulory printing and patent term adjustment. See 37 CFR 1.704(0).  Status  Responsive to communication(s) filled on 13 December 2002.  2a) This action is FINAL. 2b) This action is non-fin closed in accordance with the practice under Ex parte Quayle, 1  Disposition of Claims  4) Claim(s) 1-23 is/are pending in the application.  4a) Of the above claim(s) is a condition for allowance except for fon closed in accordance with the practice under Ex parte Quayle, 1  Disposition of Claims  4) Claim(s) 1-23 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) 1-23 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) 1-23 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) 1-23 is/are pending in the application in th	TUCKER ET AL.	$\mathcal{O}$
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Patent and Trademark Office 0-326 (Rev. 04-01) Office Action Summary		

Application/Control Number: 09/967,218

Art Unit: 1711

#### **DETAILED ACTION**

- 1. This is in response to the request for consideration received on 12/13/02.
- 2. Claims 1-23 are currently pending in this application.

# Claim Rejections - 35 USC § 102

- 3. In view of the prior Office Action of September 20, 2002, the rejection of claims 1-4, 12, 20-22, under 35 U.S.C. 102(e), as being anticipated by Chisholm et al. (US Pat. 6,300,405) has been withdrawn.
- 4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1-5, 7, 9-10, 12-13, 15, 17-18, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogale et al. (US Pat. 5,346,756).

Ogale teaches a nonwoven textile material, comprising fibers; each fiber comprising 90-70 % weight of polypropylene and 10-30 % weight of ethylene-propylene copolymer, and optionally a minor amount of a diene (see col. 1, ln. 34-41, ln. 64-68; col. 2, ln. 1-12; Examples 1-8).

Ogale further teaches the textile fiber being formed into spunbond fibers (see col. 12, ln. 47-50), yarn, woven and nonwoven materials (see col. 1, ln. 12-17).

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### Claim Rejections - 35 USC § 103

- 6. In view of the prior Office Action of September 20, 2002, the rejection of claims 5-6, 8-11, 13-14, 16-19, and 23, under 35 U.S.C. 103(a), as being unpatentable over Chisholm, has been withdrawn.
- 7. In view of the prior Office Action, the rejection of claims 1-23, under 35 U.S.C. 103(a) as being unpatentable over Tung et al. (US Pat. 6,100,307), has been withdrawn.
- 8. Claims 6, 8, 11, 14, 16, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogale as applied to claims 1, 12, 20, and 22 above.

Ogale is as set forth in claims 1, 12, 20, and 22 above and incorporated herein.

Ogale is silent with respect to the textile fibers being formed into a staple fiber, a knit fabric, and an absorbent article comprising the nonwoven fabric. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have employed Ogale's textile fibers to form staple fibers, knit fabrics, or absorbent articles. This is because Applicants have not disclosed that the products formed by the fibers are critical in the invention; and it has been known within the skill in the art that textile fibers would be used in forming knit fabrics, staple fibers, or absorbent articles; as equally well as forming spunbond fibers, yarns, woven and nonwoven materials, as taught by Ogale.

### Response to Arguments

9. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

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## **Contact Information**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 703-306-5698. The examiner can normally be reached on Monday-Friday, from 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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February 24, 2003

James J. Seidleck Supervisory Patent Examiner Technology Center 1700